

Mohamed Ali

237 White thorne Ave  
Columbus OH 43223

Case Number

VS STRASOPHERE Duality  
103 professional parkway  
Marysville OH 43034

Complaint

I am black and muslim faith

I am Employed by TRACI company  
and was assigned to work Honda  
Manufacturing in Marysville OH

E-MAIL AliLaw-55@Live.com

Respectfully Submitted

Signature  Mohamed

(2)

On August 12, 2019 I was told that  
I was not hired to work

I was assigned to work at Honder on

August 6, 2019. On August 12, 2019, I was.

Told that I was not needed by Team leader  
sent by Geraldine Wick NO REASON  
was given to why my assignment was  
given terminated

I believe I was discriminated  
because Geraldine distributed TRIAD  
WORKS. Convicted felons, rapists  
and called them stupid

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.</small>		<b>AGENCY</b> <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC		<b>CHARGE NUMBER</b> COL71(47551)12132019 22A-2020- 00802C
<b>Ohio Civil Rights Commission and Equal Employment Opportunity Commission</b>				
<b>NAME</b> Mohamed Ali		<b>HOME TELEPHONE ( Include Area Code)</b> 614-707-9191		
<b>STREET ADDRESS</b> 237 Whitethorne Ave.	<b>CITY</b> Columbus	<b>STATE ZIP</b> Ohio 43223	<b>DATE OF BIRTH</b>	
<b>NAMED BELOW IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME.</b>				
<b>NAME</b> Strasphere Quality		<b>NO. OF EMPLOYEES, MEMBERS</b> +15	<b>TELEPHONE ( Include Area Code)</b> 614-642-0191	
<b>STREET ADDRESS</b> 103 Professional Parkway	<b>CITY</b> Marysville	<b>STATE ZIP</b> Ohio 43034	<b>COUNTY</b> Union	
<b>CAUSE OF DISCRIMINATION BASED ON (Check appropriate box (es))</b> <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify) _____		<b>DATE DISCRIMINATION TOOK PLACE</b> EARLIEST (ADEA/FEPA)      LATEST (ALL) 08/12/2019 <input type="checkbox"/> Continuing Action		
<b>THE PARTICULARS ARE (IF ADDITIONAL SPACE IS NEEDED, ATTACH EXTRA SHEET(S))</b> <u>Check box if either or both of the following are applicable:</u> <input type="checkbox"/> (Disability Only) I HAVE THE DISABILITY OF I AM A QUALIFIED DISABLED PERSON AS DEFINED BY SECTION 4112.01(A)(13) OF THE OHIO REVISED CODE. I CAN SAFELY AND SUBSTANTIALLY PERFORM THE JOB DUTIES IN QUESTION. <input type="checkbox"/> (Age Only) "I HAVE NOT COMMENCED ANY ACTION UNDER SECTIONS 4101.17 OR 4112.02 (N) OF THE REVISED CODE WITH RESPECT TO THE SUBJECT MATTER OF THIS AFFIDAVIT. I UNDERSTAND THAT UPON THE FILING OF THIS CHARGE AFFIDAVIT WITH THE OHIO CIVIL RIGHTS COMMISSION, I AM BARRED FROM INSTITUTING ANY SUCH CIVIL ACTION AND THAT ANY MONETARY AWARD OR FINANCIAL BENEFIT I MAY RECEIVE MAY BE LIMITED TO BACK PAY AND/OR RESTORATION OF EMPLOYMENT FRINGE BENEFITS AND MAY NOT INCLUDE OTHER DAMAGES I MAY BECOME ENTITLED TO AS A RESULT OF SUCH CIVIL ACTION."				
1. I am a black male and I am of Muslim faith. I am employed by Triad and was assigned by Strasphere Quality to work at Honda Manufacturing Plant. On August 12, 2019, I was told that I was not hired to work.  2. I was assigned to work at Honda on August 6, 2019. On August 12, 2019, I was told that I was not needed by a team member sent by Geraldine (LNU), Strasphere Quality Team Leader. No reason was given as to why my assignment was terminated.  3. I believe I was discriminated against due to consideration of my color, gender and religion because: a. Geraldine described Triad employees as convicted felons, rapists and called them stupid. b. Geraldine said "we don't want Triad people" and would not issue me a security badge. c. The only workers that Geraldine accepted to work were Caucasians. The majority of Triad workers are black and not given assignments and are sent home.				
Ohio Civil Rights Commission Columbus Region DEC 13 2019 Received				
I DECLARE UNDER PENALTY OF PERJURY THAT I HAVE READ THE ABOVE CHARGE AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. I WILL ADVISE THE AGENCY(IES) IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCESSING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURES.  _____ Charging Party Signature		NOTARY OR OHIO CIVIL RIGHTS COMMISSION REPRESENTATIVE  Subscribed and sworn to before me on this 13 day of December 2019 _____ Signature		

**MARYELLEN O'SHAUGHNESSY**

**FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS**

**WILLIAM WOODS**

**CASE TITLE: ALI MOHAMED -VS- STRASOPHERE QUALITY**

**CASE NUMBER: 20CV006077**

**CLERK'S ORIGINAL CASE SCHEDULE**

	LATEST TIME OF OCCURRENCE
TRIAL ASSIGNMENT	09/27/21 0900AM
CASE FILED	09/16/20
INITIAL STATUS CONFERENCE	*****
INITIAL JOINT DISCLOSURE OF ALL WITNESSES	02/03/21
SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES	03/31/21
DISPOSITIVE MOTIONS	06/23/21
DISCOVERY CUT-OFF	07/07/21
DECISIONS ON MOTIONS	08/18/21
FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)	09/01/21 0900AM

E3222 - S16

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215  
CIVIL DIVISION

ALI MOHAMED  
237 WHITETHORNE AVE  
COLUMBUS, OH 43223,

PLAINTIFF,

VS.

STRASOPHERE QUALITY  
103 PROFESSIONAL PARKWAY  
MARYVILLE, OH 43034,

DEFENDANT.

20CV-09-6077  
CASE NUMBER

FILED  
COMMON PLEAS COURT  
FRANKLIN COUNTY, OHIO  
2020 SEP 17 PM 4:11  
CLERK OF COURTS

\*\*\*\* SUMMONS \*\*\*\*

09/16/20

TO THE FOLLOWING NAMED DEFENDANT:

STRASOPHERE QUALITY  
103 PROFESSIONAL PARKWAY  
MARYVILLE, OH 43034

YOU HAVE BEEN NAMED DEFENDANT IN A AMENDED COMPLAINT  
FILED IN FRANKLIN COUNTY COURT OF COMMON PLEAS, FRANKLIN COUNTY  
HALL OF JUSTICE, COLUMBUS, OHIO.

A COPY OF THE AMENDED COMPLAINT IS ATTACHED HERETO.  
THE NAME AND ADDRESS OF THE PLAINTIFF'S/DEFENDANT'S ATTORNEY IS:

ALI MOHAMED  
237 WHITETHORNE AVE  
COLUMBUS, OH 43223

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE  
PLAINTIFF'S/DEFENDANT'S ATTORNEY, UPON THE PLAINTIFF/DEFENDANT,  
IF HE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE  
AMENDED COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE  
SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR  
ANSWER MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE  
OF A COPY OF THE ANSWER ON THE PLAINTIFF'S/DEFENDANT'S ATTORNEY. IF YOU  
FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST  
YOU FOR THE RELIEF DEMANDED IN THE AMENDED COMPLAINT

MARYELLEN O'SHAUGHNESSY  
CLERK OF THE COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S04)

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS  
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: ALI MOHAMED -VS- STRASOPHERE QUALITY

CASE NUMBER: 20CV006077

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:  
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:  
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:  
STRASOPHERE QUALITY  
103 PROFESSIONAL PARKWAY  
MARYVILLE, OH 43034

JUVENILE CITATIONS ONLY:

HEARING TYPE:

\_\_ Date already scheduled at : Courtroom:

Electronically Requested by: ALI MOHAMED  
Attorney for:

E3222 - Q85

FROM

MARYELLEN O'SHAUGHNESSY  
FRANKLIN COUNTY CLERK OF COURTS  
373 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215-4579

CERTIFIED  
MAIL  
RECEIPT

09/16/20  
CLERK OF COURTS  
2020 SEP 17 PM 4:06

COMMUNICATIONS COURT  
FRANKLIN CO., OHIO

FILED

STRASOPHERE QUALITY  
103 PROFESSIONAL PARK  
MARYVILLE, OH  
43034

20CV-09-6077 H

ALI MOHAMED  
VS.  
STRASOPHERE QUALITY

SERVICE ITEM: 06  
AMENDED COMPLAINT

CERTIFIED  
NUMBER

9214890119 522805994172

CIV354

COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

ALI MOHAMED,	)	CASE NO. 20CV-09-6077
	)	(Judge William Woods)
	)	
PLAINTIFF	)	
	)	
v.	)	
	)	
	)	
STRATOSPHERE QUALITY, LLC,	)	
	)	
DEFENDANT.	)	
	)	
	)	
	)	

**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Defendant, Stratosphere Quality, LLC (“Defendant” or “Stratosphere”), respectfully moves the Court to dismiss the Complaint filed by *pro se* Plaintiff Ali Mohamed<sup>1</sup> (“Plaintiff” or “Mr. Mohamed”) for failure to state a claim upon which relief may be granted. A Memorandum in Support of this Motion is being submitted simultaneously herewith.

Respectfully submitted,

/s/ V. Brandon McGrath  
V. Brandon McGrath (0072057)  
DENTONS BINGHAM GREENEBAUM LLP  
2350 First Financial Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
Email: Brandon.mcgrath@dentons.com  
*Counsel for Defendant Stratosphere Quality, LLC*

<sup>1</sup> The Summons lists Plaintiff as “Ali Mohamed.” However, Plaintiff identifies himself in his *pro se* Complaint as “Mohamed Ali.” Defendant has preserved the case caption in its filings, but will refer to Plaintiff by his proper name in the body of its Memorandum.



**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Dismiss was served on the following by U.S. Mail on October 23, 2020:

Mohamed Ali  
237 Whitethorne Avenue  
Columbus, Ohio 43223  
*Plaintiff*

/s/ Brandon McGrath  
*Counsel for Defendant Stratosphere Quality, LLC*

COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

ALI MOHAMED,	)	CASE NO. 20CV-09-6077
	)	(Judge William Woods)
	)	
PLAINTIFF	)	
	)	
v.	)	
	)	
	)	
STRATOSPHERE QUALITY, LLC,	)	
	)	
DEFENDANT.	)	
	)	
	)	
	)	

**DEFENDANT’S MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Defendant, Stratosphere Quality, LLC (“Defendant” or “Stratosphere Quality”), submits this memorandum in support of Defendant’s Motion to Dismiss the Complaint filed by *pro se* Plaintiff Mohamed Ali<sup>1</sup> (“Plaintiff” or “Ali”) for failure to state a claim upon which relief may be granted.

**I. Factual and Procedural Background<sup>2</sup>**

**A. Ali’s Temporary Assignment with Stratosphere Quality**

Ali was a temporary assignee employed by Triad Staffing (“Triad”) and working on a project for Stratosphere Quality at the Honda Marysville Auto Plant (“MAP”) facility in Marysville, Ohio. Triad does not provide Stratosphere Quality with long-term temporary workers.

<sup>1</sup> The Summons lists Plaintiff as “Ali Mohamed.” However, Plaintiff identifies himself in his *pro se* Complaint as “Mohamed Ali.” Defendant has preserved the case caption in its filings, but will refer to Plaintiff by his proper name in the body of its Memorandum.

<sup>2</sup> Defendant does not admit the allegations contained in Plaintiff’s Complaint and attached Charge and reserves the right to dispute the same should this Motion be denied, in whole or in part. The allegations recited herein are submitted solely because the Court must accept all well-pled facts as true for purposes of a Rule 12(B)(6) Motion. *Mitchell v. Lawson Milk Co.*, 40 Ohio St.3d 190, 198 (1988).

Rather, it supplies Stratosphere Quality with short-term temporary workers on an as-needed basis.

Ali was one of those workers.

Ali worked with Stratosphere Quality as an employee of Triad for a total of 33.5 hours from Tuesday, August 6, 2019 through Friday, August 9, 2019. On Monday, August 12, 2019, Stratosphere Quality did not request any temporary workers from the Triad agency. Despite that fact, Ali and two other Triad employees arrived on Monday seeking work. Stratosphere Quality ultimately decided to permit Triad employee Trina Corbin to remain and work at a different site that day because she arrived first. Ms. Corbin is African American. Both Ali and Mr. Delacruz were told there was no work for them, and they were allowed to leave the work site. Mr. Delacruz is Hispanic.

No Triad employees worked for Stratosphere Quality at the MAP facility on Tuesday, August 13, 2019, because their services were not needed.

Ali also alleges in the Charge that he was not issued a “security badge.” Triad employees are not issued security badges at the Marysville facility because of the nature of their work. Once again, Triad employees are not long-term temporary workers; rather, they are short-term, day laborers. Thus, Stratosphere Quality does not issue security badges to Triad employees due to the nature of their work and its short duration.

Following this event in August of 2019, Ali filed a Charge of Discrimination (the “Charge”) with the Ohio Civil Rights Commission (the “Commission”) on December 13, 2019 alleging discrimination on the basis of his race, religion and gender.

## B. Plaintiff's Complaint

According to his Complaint, Plaintiff identifies as “black and [of] Muslim faith.” He alleges that he was “employed by Traid [*sic*] Company” and “assigned to work Honda

Manufacturing in Marysvill [sic], OH.” The Complaint further states:

On August 12, 19 2019 [sic] I was told that I was not hired to work

I was assigned to work at Honda on August 6, 2019. On August 12, 2019, I was told that I was not needed by Team Leader sent by Geraldine Wick. No reason was given to why my assignment was terminated.

I believe I was discriminated because Geraldine discribed [sic] Triad Workers. Convicted Felons, rapists and called them stupid.

Plaintiff attached the Charge that he filed with the Commission on December 13, 2019 to his Complaint. In addition to the allegations set forth in Plaintiff’s Complaint, the Charge indicates that “Geraldine said ‘we don’t want Triad people’ and would not issue [Plaintiff] a security badge.” It asserts that “[t]he only workers that Geraldine accepted to work were Caucasians. The majority of Triad workers are black and not given assignments and are sent home.”

On June 4, 2020, the Commission found that it was “not probable” that Stratosphere Quality had engaged in an unlawful discriminatory practice under the Ohio Revised Code. [See Commission Correspondence, attached hereto as **Exhibit A**]. The Commission dismissed Ali’s Charge. [Id.]. Plaintiff requested reconsideration on June 17, 2020. [Id.]. The Commission agreed to further review and held a hearing on the matter, Thursday, October 22, 2020. [Id.]. Prior to the hearing, Plaintiff filed the instant action on September 16, 2020. The Commission denied Plaintiff’s request for reconsideration during the hearing on October 22, 2020.

## II. Analysis

### A. *Standard of Review*

Pursuant to Rule 8(A) of the Ohio Rules of Civil Procedure, “[a] pleading that sets forth a claim for relief . . . shall contain (1) a short and plain statement of the claim showing that the party is entitled to relief, and (2) a demand for judgment for the relief to which the party claims to be

entitled.” “A motion to dismiss for failure to state a claim upon which relief can be granted is procedural and tests the sufficiency of the complaint.” *State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs.*, 65 Ohio St.3d 545, 548 (1992) (citing Civ. R. 12(B)(6)). “In construing a complaint upon a motion to dismiss for failure to state a claim, we must presume that all factual allegations of the complaint are true and make all reasonable inferences in favor of the non-moving party.” *Mitchell v. Lawson Milk Co.*, 40 Ohio St.3d 190, 198 (1988) (citations omitted). Dismissal is appropriate if it “appear[s] beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” *York v. Ohio St. Hwy. Patrol*, 60 Ohio St.3d 143, 144 (1991) (internal quotations omitted).

***B. Plaintiff’s Claims Under the Ohio Civil Rights Act should be dismissed.***

R.C. 4112.02(A) makes it unlawful “[f]or any employer, because of the race, color, [or] religion . . . of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.” A person seeking redress for discrimination on these bases has “two statutory methods for relief.” *Smith v. Friendship Village of Dublin, Ohio, Inc.*, 92 Ohio St.3d 503, 504-05 (2010) (discussing a plaintiff’s options in the context of a handicap discrimination claim). “[A]n aggrieved person may file a charge with the commission to pursue an administrative remedy” and seek judicial review of an unfavorable decision. *See* R.C. 4112.05(B)(1); R.C. 4112.06. “Alternatively, the person alleging discrimination may file a civil action in the common pleas court.” *Smith*, 92 Ohio St.3d at 505 (citing R.C. 4112.99). “[T]he filing of an unlawful discriminatory practice charge with the Ohio Civil Rights Commission under R.C. 4112.05(B)(1) does not preclude a person alleging . . . discrimination from instituting an independent civil action under R.C. 4112.99.” *Id.*

As a threshold matter, it is unclear whether Plaintiff seeks judicial review of the Commission’s “no probable cause” determination or wishes to assert an independent action for discrimination. To the extent he is seeking judicial review of the Commission’s decision, he is too late. Any party may request reconsideration of the Commission’s final order within thirty days of the issuance of that order. R.C. 4112.06(H). However, “nothing in R.C. 4112 *et seq.* or the corresponding section of the administrative code indicates such a request tolls the time for an appeal.” *Dargo v. Ohio Civil Rights Comm’n*, 1987 WL 27543, at \*2 (Ohio St.8d Dec. 10, 1987). In this case, the Commission issued its “no probable cause” letter on June 4, 2020, but Plaintiff did not initiate this action until almost three months later.<sup>3</sup> It must be dismissed as untimely under R.C. 4112.06(H).

If Plaintiff’s Complaint is construed as asserting an independent action for discrimination, it must be dismissed for failure to meet applicable pleading standards. “Though the court may afford a pro se litigant some leeway by liberally construing his pleadings, [Plaintiff] does not have any greater rights than a represented party” and “is bound by the same rules and procedures as parties who are represented by counsel.” *Martin v. Block Commc’ns, Inc.*, 2017 WL 1422889, at \*2, n. 1 (Ohio St.6d Apr. 21, 2017). In his Complaint, Plaintiff fails to allege any facts suggesting that Stratosphere Quality ended his assignment because of his race or religion. He claims that he suffered discrimination because “Geraldine” said all Triad employees were rapists and convicts. Assuming that is true solely for purposes of this motion, the alleged statement is not evidence of racial or religious bias. The alleged statement is about the criminal records of Triad employees,

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<sup>3</sup> The Court may consider the June 4, 2020 letter without converting this Motion to Dismiss into one for summary judgment. *See Pirock v. Crain*, 2020 Ohio 869, 152 N.E. 3d 842 (Ohio St.11d 2020) (“[A] court may generally take judicial notice of at least some matters outside of the pleadings in determining a Civ. R. 12(B)(6) motion without converting it to a motion for summary judgment, such as copies of other courts’ decisions and judgment entries related to a case before it.”).

does not reference Plaintiff’s race or religion and has nothing to do with Plaintiff’s alleged status as a “black and [of] Muslim faith.

Plaintiff’s Charge, which he attaches to his Complaint but fails to incorporate by reference, does nothing to cure this deficiency. It clarifies that “Geraldine” refers to Geraldine Wick (“Wick”), a Stratosphere Quality employee, then alleges that she said “we don’t want Triad people” and refused to issue Plaintiff a security badge. Even assuming that the Charge allegations are true solely for purposes of this motion, this alleged statement is not evidence of racial or religious bias. The Charge further states that “[t]he only workers that Geraldine accepted to work were Caucasians. The majority of Triad workers are black and not given assignments and are sent home.” Plaintiff offers no specifics to support these assertions. He does not identify any white individuals who were given assignments or black individuals who were simultaneously sent home. In fact, he cannot support his claim that black workers are not accepted to work because he has already alleged that he is black and that he received an assignment with Defendant. Drawing all inferences in Plaintiff’s favor, and affording his Complaint a liberal construction due to his *pro se* status, he cannot prove any set of facts that would entitle him to relief for his independent discrimination claim. *See, e.g., Martin*, 2017 WL 1422889, at \*2 (dismissing a *pro se* race discrimination complaint because it did not “contain any operative facts to suggest that [the defendant] unlawfully considered [the plaintiff’s] race when it refused his scheduling requests, disciplined him, or terminated him”). Plaintiff’s Complaint must be dismissed.

**III. Conclusion**

Accordingly, for the reasons stated herein, Defendant respectfully requests that the Court grant its Motion, dismiss Plaintiff’s Complaint, and strike this matter from its active docket.

Respectfully submitted,

/s/ V. Brandon McGrath

V. Brandon McGrath (0072057)

DENTONS BINGHAM GREENEBAUM LLP

2350 First Financial Center

255 East Fifth Street

Cincinnati, Ohio 45202

Email: Brandon.mcgrath@dentons.com

*Counsel for Defendant Stratosphere Quality, LLC*

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Memorandum was served on the following by U.S.

Mail on October 23, 2020:

Mohamed Ali  
237 Whitethorne Avenue  
Columbus, Ohio 43223  
*Plaintiff*

/s/ V. Brandon McGrath

*Counsel for Defendant Stratosphere Quality, LLC*



## EXHIBIT A



## OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | Juan Cespedes | William Patmon, III | Dr. Carolyn Peters | Madhu Singh  
Executive Director Angela Phelps-White

June 4, 2020

Mailing Date: June 4, 2020

Mohamed Ali  
237 Whitethorne Avenue  
Columbus, OH 43223-1122  
[AliLaw-55@live.com](mailto:AliLaw-55@live.com)

Tom Gray, CEO  
Becky Feltner, Human Resources Manager  
Stratosphere Quality, LLC  
12024 Exit Five Parkway  
Fishers, IN 46037  
[BFeltner@StratosphereQuality.com](mailto:BFeltner@StratosphereQuality.com)

✓ Kevin Ream, Regional Human Resources Representative  
Stratosphere Quality, LLC  
103 Professional Parkway  
Marysville, OH 43034

## LETTER OF DETERMINATION

Mohamed Ali v. Stratosphere Quality, LLC  
COL71(47551)12132019; 22A-2020-00802C

## FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission investigated Charging Party's allegations against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered does not support a recommendation that Respondent unlawfully terminated Charging Party's work assignment due to his race, Black; his color, not stated in charge; his religion, Islam; and his gender, male.

Specifically, the Commission's investigation substantiated that Respondent ended Charging Party's temporary work assignment because it did not have any work for him or other Triad temporary employees. Respondent did not request any Triad employees on August 12, 2019. Respondent did allow a Black female Triad temporary employee to work on August 12, 2019, because she arrived before Charging Party and another Hispanic male Triad temporary employee, who were both instructed to leave the work site. Respondent was unaware of Charging Party's religious beliefs.

## DECISION:

The Ohio Civil Rights Commission determines it is **NOT PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be **DISMISSED**.

## NOTICE OF RIGHT TO REQUEST RECONSIDERATION:

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of this determination of the Commission. The application must be in writing and state specifically the grounds upon which it is based. If you wish to appear before the Commissioners to present oral arguments supporting your request, you must specifically make a request to appear in writing.

Mohamed Ali v. Stratosphere Quality, LLC  
COL71(47551)12132019; 22A-2020-00802C  
Page 2

This request must be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5<sup>th</sup> Floor, Columbus, Ohio 43215. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. Any application for reconsideration or additional materials received by the Compliance Department in the Commission's Columbus Central Office after the ten-day period has expired will be deemed untimely filed. Extensions of this ten-day filing period are not permitted.

**FOR DUAL FILED CHARGES ONLY:**

If your charge was filed with both the Commission and the U. S. Equal Employment Opportunity Commission (EEOC), you have the right to request that the EEOC conduct a review of the Commission finding. The request for such a review must be sent directly to the EEOC State and Local Coordinator at 101 W. Ohio St., Suite 1900, Indianapolis, IN 46204. To secure such a review, you must request it in writing within FIFTEEN (15) days of Commission's finding, unless you request a reconsideration by Commission. In that event, our final finding, and the time for you to request review by EEOC, will be determined by Commission's action on your reconsideration request.

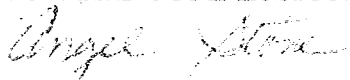
**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW:**

A determination of the Commission that constitutes a Final Order is subject to judicial review, wherein the court reviews the contents of this letter and determines if there are sufficient factual findings supporting why the Commission did not issue a complaint. A petition for judicial review must be filed in the proper common pleas court within THIRTY (30) days of the date the Commission mailed this Final Order. The right to obtain judicial review and the mode and procedure thereof is set forth in Ohio Revised Code § 4112.06.

The judicial review process is not a means to reexamine the investigation or further pursue your allegations through the Commission. You may consult with an attorney for information on available options.

A Probable Cause finding is not a Final Order and is not subject to judicial review by a court. All other determinations of the Commission constitute a Final Order and are subject to judicial review by a court.

FOR THE COMMISSION,



Angel S. Stone  
Columbus Regional Supervisor  
614-466-5928 (Direct)

I mohamed Ali here by declare stratosphere Quality deceived the charges against them by making countless of false statement, and willfully lying, and making perjury the charge against them if the commission indorses the

The lying, the willfully false statement I demand to speak out IN front of the commission cause I do not have any doubt in my mind that the commission will not tolerate lies and perjury false statements

Therefore I need to speak and explain what they saying and what I am saying are two far apart like in the sky and earth

Therefore I need speak IN front of the commission if they don't want to see me, or they are not happy to see me let me know I will go to different venues I ill go to common plea court, and be solve once and for all thank you hearing from you soon

My Initial discrimination filing I raise my right hand Under-Oath. Which mean I will tell the truth nothing but the truth so God help me the document and the writing I submitted to the commission is the truth nothing but the truth

On the other hand the document or the information provided by the respondent are lie after lie after basically there is no single truth it is all lies and cover up I provided my information in the letter provided by the commission investigator every statement every information they give to the commission was lie, lie and lie cover up it was the commission to fact finding I believe the commission miss the point or have been deceived an false documents one good example is they said Ali come after an African American girl I said that was lie because there is no first come first service I arrive the site 5:30 every morning , and my witness is Jeff a team leader who comes 6:30 AM collects all the temporary workers at the same time from security guard to stratosphere Quality office near the break room we form line as norms then we get assignment no first come first service ok that is a lie and cover up there more and more lies in the document provided by the respondent this time I want Jeff to sub-poena to witness to this case I demand full investigation about all these lie after



# OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | William Patmon, III | Juan Cespedes | Madhu Singh | Dr. Carolyn Peters  
Executive Director Angela Phelps-White

June 17, 2020

**Email sent on June 17, 2020**

Mohamed Ali  
237 Whitethorne Avenue  
Columbus, OH 43223-1122  
[AliLaw-55@live.com](mailto:AliLaw-55@live.com)

Tom Gray, CEO  
Becky Feltner, Human Resources Manager  
Stratosphere Quality, LLC  
12024 Exit Five Parkway  
Fishers, IN 46037  
[BFeltner@StratosphereQuality.com](mailto:BFeltner@StratosphereQuality.com)

**RE: Receipt of Charging Party's Request for Reconsideration and Appearance before the Commission**

Mohamed Ali v. Stratosphere Quality, LLC  
COL71(47551)12132019  
22A-2020-00802C

Charging Party's request for reconsideration of the Commission's determination was timely received. If granted for further review, the Commission will set aside and vacate the original determination at the next Commission meeting. Any further information, you have to support the request for reconsideration, must be received at the Commission's Compliance Department within the original ten-day filing period of requesting reconsideration. Materials or information received after the expiration of this period may not be considered.

Charging Party also requested to appear before the Commission. All parties involved in this case will be notified if the Commissioners grant the request to appear.

You will be notified in writing if the determination of the Commission is reinstated, modified, or changed.

Should you have any questions, please contact **Bradley Dunn**, Reconsideration Supervisor, at **330-643-3110** or [Bradley.Dunn@civ.ohio.gov](mailto:Bradley.Dunn@civ.ohio.gov).

FOR THE COMMISSION

*Desmon Martin/pja*

Director of Enforcement & Compliance  
Ohio Civil Rights Commission

Enclosure:

cc: File  
Aman Mehra, Regional Director  
Bradley Dunn, Reconsideration Supervisor  
Kimberly O'Donnell, Senior Managing Associate / [kim.odonnell@dentons.com](mailto:kim.odonnell@dentons.com)  
Duane Rusty Denton, Partner / [DDenton@bgdlegal.com](mailto:DDenton@bgdlegal.com)

**APPEARANCE Confirmation Letter/ Protocol**  
Mohamed Ali (47551)



# OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | William Patmon, III | Dr. Carolyn Peters | Madhu Singh  
Executive Director Angela Phelps-White

August 26, 2020

Email sent August 26, 2020

Mohamed Ali  
237 Whitethorne Ave.  
Columbus, OH 43223-1122  
[aLIHAW-55@live.com](mailto:aLIHAW-55@live.com)

Becky Feltner, Human Resources Manager  
1204 Exit Five Pkwy  
Fishers, IN 46037  
[Bfeltner@StratosphereQuality.com](mailto:Bfeltner@StratosphereQuality.com)

RE: Mohamed Ali v. Stratosphere Quality, LLC  
COL71(47551)12132019  
22A-2020-00802C

The Commission has granted Charging Party's request to appear in this matter. The request for reconsideration will be heard on Thursday, **October 22, 2020** at 9:30 a.m. via videoconference. Prior to the meeting, a link will be posted to the Commission's website at [www.crc.ohio.gov](http://www.crc.ohio.gov) for you to gain access. You may join the meeting by phone, tablet or computer using video or audio.

Should you have any questions, please contact **Bradley Dunn**, Reconsideration Supervisor, at **330-643-3110** or [Bradley.Dunn@civ.ohio.gov](mailto:Bradley.Dunn@civ.ohio.gov).

FOR THE COMMISSION

*Desmon Martin/pja*

Director of Enforcement & Compliance  
Ohio Civil Rights Commission

Enclosure

cc: File  
Bradley Dunn, Reconsideration Supervisor  
Kimberly O'Donnell, Senior Managing Associate /[kim.odonnell@dentons.com](mailto:kim.odonnell@dentons.com)



## **PROTOCOL FOR APPEARING BEFORE THE OHIO CIVIL RIGHTS COMMISSION**

The following rules govern appearances before the Commission:

- 1) All parties to the case have been notified of the request to appear and have been invited to attend the meeting. Parties are permitted to bring a representative to the appearance.
- 2) Each party will be given five (5) minutes to present their arguments to the Commissioners. The Commission will not accept documentation, charts, graphs, pictures, or other materials during the meeting. All materials must be submitted in advance during the original period for requesting reconsideration or when submitting your Objections. The Commissioners review the case material prior to the meeting.
- 3) You will be alerted at the end of five (5) minutes. Any additional time will be granted solely at the discretion of the Chairperson.
- 4) The regional staff will present the case overview and recommendation.
- 5) The party/parties requesting the reconsideration will present his/her arguments first followed by the other party/parties. The Commissioners may ask questions of the parties and/or of the regional staff.
- 6) Do not interrupt any of the parties or the Commissioners when they are speaking. The Chairperson has discretion to provide the parties time to rebut statements and/or answer questions. All comments or questions should be directed to the Commission Chairperson.
- 7) When the Commissioners have sufficient information to make a decision, the Chairperson will call for a vote. When the Commissioners have voted, no further discussion will be allowed.
- 8) If an emergency arises and there is a need to reschedule the appearance, please notify the Commission's Compliance department immediately. The Commission will attempt to accommodate the request if possible.
- 9) If any party fails to appear at the Commission meeting, the Commission may proceed to vote on the case without rescheduling the appearance.

Plaintiff's Name

Mohamed Al,

237 Whitethorn Ave

Columbus OH 43223

Case Number

20CV00607

VS

Defendants Name

Stratosphere Quality

103 Professional Parkway

Marysville OH 43034

~~Capital Discrimination~~ Discrimination

Memorandum supporting my original

Discrimination filings - and Evidence

Exhibits

Sh Mohamed



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0E308

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0E308

this is the  
only check  
received from stratosphere quality

BMCH, Inc. dba TRIAD Staffing					
Employee	ID	Name			
023	081961	MOHAMED A ALI			
Earnings					
Description	Hours	Rate	Type	Deductions	Tx
STRATOSFER QUALITY	33.50	12.00	Reg	402.00	

Period Begin	Period End	Check Date	Check No.
8/04/19	8/10/19	8/10/19	548542

Deductions		
Description	This Check	To Date
Federal Tax	26.05	26.05
Social Security	24.92	24.92
Medicare	5.83	5.83
State Tax (OH)	6.36	6.36
Local Tax	6.03	6.03
NEW BACKGROUND VERIF	17.00	17.00

Check Totals	This Check	To Date	Check Info
Payable Gross	402.00	402.00	Fed S-1: 0
Gross	402.00	402.00	Sta S-1: 0
Deductions ( 66.19 )	( 66.19 )	( 66.19 )	Loc S-0: 0
Reimbursement	00	00	YTD Hr: 33.50
Check Amount	315.81	315.81	



BINGHAM  
GREENEBAUMKimberly J. O'Donnell  
Partnerkim.odonnell@dentons.com  
D +1 859 288 4596Dentons Bingham Greenebaum LLP  
300 West Vine Street  
Suite 1200  
Lexington, KY 40507  
United States

dentons.com

February 28, 2020

VIA E-MAIL AND REGULAR U.S. MAILShuaib R. Abdurraqib  
Civil Rights Investigator  
Ohio Civil Rights Commission  
Columbus Regional Office  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215  
E-mail: shuaib.abdurraqib@civ.ohio.govRe: Charging Party:  
Respondent:  
Charge No.:Mohamed Ali  
Stratosphere Quality LLC  
COL 7 1 (47551) 12132019; 22A-2020-00802C

Dear Mr. Abdurraqib,

This letter provides the Ohio Civil Rights Commission ("OCRC") with the position statement of Stratosphere Quality, LLC ("Stratosphere Quality") with respect to the above-referenced Charge of Discrimination ("Charge") filed by Mohamed Ali ("Ali") on or about December 13, 2019.<sup>1</sup>

Ali was a temporary assignee employed by Triad Staffing ("Triad") and working on a project for Stratosphere Quality at the Honda Manufacturing facility in Marysville, Ohio. Triad does not provide Stratosphere Quality with long-term temporary workers. Rather, it supplies Stratosphere Quality with short-term temporary workers on an as-needed basis. Ali was one of those workers. Stratosphere Quality denies Ali's allegations in the Charge that it discriminated against him on the basis of his religion, color and race in violation of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). As explained below, Stratosphere Quality ended Ali's temporary assignment because it did not have work for him or other Triad employees on Monday, August 12, 2019. Stratosphere Quality's decision was based solely on legitimate reasons and not any unlawful discriminatory or retaliatory animus. Accordingly, the OCRC should dismiss Ali's Charge with a finding of no cause.

## I. General Information

## A. Correct Company Name and Address

Stratosphere Quality, LLC  
12024 Exit Five Parkway

<sup>1</sup> This position statement is based upon the undersigned's understanding and investigation of the facts at the time of this letter. Stratosphere Quality reserves the right to present additional facts and all available defenses. Further, this position statement, while believed to be true and accurate in all respects, does not constitute an affidavit and is not intended to be used as evidence of any kind in any Ohio Civil Rights Commission, EEOC, other administrative, or court proceedings. Stratosphere Quality reserves the right to object to the admissibility of this statement and its exhibits in any proceeding.



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GREENEBAUM

Shuaib R. Abdurraqib  
February 28, 2020  
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Fishers, IN 46037

**B. Representatives of the Company**

D. Rusty Denton, Esq.  
DENTONS BINGHAM GREENEBAUM LLP  
10 W. Market Street, Suite 2700  
Indianapolis, IN 46204-4900  
Phone: (317) 635-8900

and

Kimberly J. O'Donnell, Esq.  
DENTONS BINGHAM GREENEBAUM LLP  
300 West Vine Street, Suite 1200  
Lexington, Kentucky 40507  
Phone: (859) 231-8500

**C. Type of Business**

Quality Control

**D. Number of Employees**

Stratosphere Quality has over 100 employees.

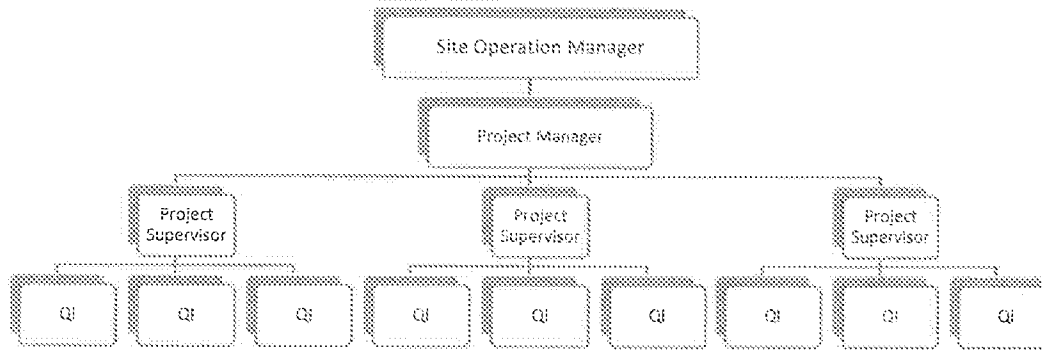
**II. Background Information**

**A. Stratosphere Quality and Relevant Policies**

Stratosphere Quality is a leading provider of quality assurance and outsourcing solutions, including sorting and inspecting services, to manufacturers of parts and components in the automotive, medical device, electronics, home appliance, and recreational vehicle industries. As its name suggests, Stratosphere Quality is, above all else, about quality. Manufacturers contract with Stratosphere Quality to accurately check parts they use and products they make. Stratosphere Quality is a manufacturer's last defense against defects. It builds a quality wall around the manufacturer to ensure that no defective products are sent to market.

Stratosphere Quality's front-line inspection and sorting work is done by entry-level employees called Quality Inspectors, who are often grouped by teams with a Team Lead. The Quality Inspectors and Team Leads ("QI" in the chart below) usually perform these services on-site at the manufacturer's location under the supervision of Stratosphere Quality project supervisors and managers. In general, the reporting hierarchy is as follows:<sup>2</sup>

<sup>2</sup> This chart is for illustrative purposes only and is not intended to show the actual reporting structure for this or any other specific situation. The structure varies depending on the project, site, area, and individuals involved. As requested, an organizational chart for the Columbus location is provided as an attachment hereto in response to the Requests for Information provided with the Charge.



There may not always be a Site Operations Manager for each site or on a site at all times. Accordingly, Project Supervisors report directly to the Project Manager. The Project Manager is usually assigned a geographic area and is responsible for managing Stratosphere Quality employees and projects at multiple customer sites in that area. The Project Manager reports to a Site Operations Manager, who is responsible for an even larger geographic area.

As a service provider, Stratosphere Quality's most valuable asset is its employees – the individuals who perform the services it offers to customers. Stratosphere Quality is committed to maintaining a work atmosphere that provides equal opportunities for all employees. Stratosphere Quality prohibits discrimination on the basis of sex, age, race, color, religion, national origin, physical or mental disability, veteran status, or any other basis prohibited by law. Employment decisions at Stratosphere Quality are made without regard to any of the above-mentioned protected characteristics. Stratosphere Quality also prohibits harassment on any basis, requires employees to report discrimination-related concerns, and does not retaliate or tolerate retaliation against employees who make good faith complaints of potential issues in the workplace.

Stratosphere Quality's specific anti-discrimination, anti-harassment, reporting and anti-retaliation policies are all memorialized in Stratosphere Quality's Employee Handbook. A copy of those policies is attached with **Exhibit A**.

#### **B. Ali's Temporary Assignment with Stratosphere Quality**

Ali worked with Stratosphere Quality as an employee of Triad on two, separate occasions in 2019.<sup>3</sup> He first worked with Stratosphere Quality from January 2, 2019 through January 11, 2019 for a total of 69.75 hours. Ali later worked for a total of 33.5 hours from Tuesday, August 6, 2019 through Friday, August 9, 2019.

On Monday, August 12, 2019, Stratosphere Quality did not request any temporary workers from the Triad agency. Despite that fact, Ali and two other Triad employees arrived on Monday seeking work. Stratosphere Quality ultimately decided to permit Triad employee Trina Corbin to remain on the work site and work for that day because she arrived first. Ms. Corbin is African American. Ali rode with his colleague, Myrto Delacruz, and arrived that day after Ms. Corbin. Both Ali and Mr. Delacruz were told there was no work for them, and they were allowed to leave the work site. Mr. Delacruz is Hispanic.

No Triad employees worked for Stratosphere Quality at the Honda plant on Tuesday, August 13, 2019 because their services were not needed.

<sup>3</sup> Ali also worked for seven hours on a temporary assignment with Stratosphere Quality through the People Ready temporary agency on June 21, 2019.

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Project Supervisor Geraldine Wick ("Wick") denies that she ever made the comments she is alleged to have made in Ali's Charge.

Ali also alleges in the Charge that he was not issued a "security badge." Triad employees are not issued security badges at the Marysville facility because of the nature of their work. Once again, Triad employees are not long-term temporary workers; rather, they are short-term, day laborers. Thus, Stratosphere Quality does not issue security badges to Triad employees due to the nature of their work and its short duration.

### C. No Evidence of Any Complaints Regarding Race or Religion

Ali's Charge of Discrimination does not make any allegation that he ever complained of race or religious discrimination to anyone at Stratosphere Quality. Stratosphere Quality is not aware of any evidence that Ali made any type of complaint of racial or religious harassment or discrimination to Stratosphere Quality.

## III. Legal Response to Charge

Ali cannot state a claim for race discrimination in violation of Title VII. The OCRC should dismiss the Charge with a finding of no cause.

### A. No Evidence of Race Discrimination

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees on the basis of race. 42 U.S.C. Sec. 2000e-2(a)(1). Under Title VII, it is "an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . race[.]" 42 U.S.C. § 2000e-2(a). Ali can attempt to prove race discrimination using either the direct method or the indirect, burden-shifting method of proof established by *McDonnell Douglas*. See *Brewer v. New Era, Inc.*, 564 F.3d. Appx. 834, 838-840 (6th Cir. 2014). Here, Ali has offered no evidence of discrimination to support a causal connection under the direct method, so he can only attempt to proceed under the indirect method.

To prevail on a claim under the indirect method, Ali must first establish a *prima facie* case of discrimination by showing that he: (1) is a member of a protected class; (2) was performing his job satisfactorily; (3) suffered an adverse employment action; and (4) was treated less favorably than similarly situated individuals not in the protected class. *Russell v. Univ. of Toledo*, 537 F. 3d 596, 604 (6th Cir. 2008); *McDonald v. Union Camp Corp.*, 898 F.2d 1155, 1160 (6th Cir. 1990). The purpose of the *prima facie* case is to create an inference of unlawful discrimination or of a causal connection between the protected characteristic and an adverse action. *Harris v. Giant Eagle Inc.*, 133 Fed. Appx. 288, 293 (6th Cir. 2005). If Ali can meet his *prima facie* burden, the onus shifts to Stratosphere Quality to rebut the inference by articulating (not proving) a legitimate, non-discriminatory reason for the adverse action. If a reason is articulated, the burden then shifts back to Ali to establish that Stratosphere Quality's reason is a pretext or that it otherwise intended to discriminate. See *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973).

Ali's claim immediately fails because he cannot satisfy his initial burden of establishing a *prima facie* case of discrimination. Specifically, he was not treated less favorably than any similarly situated employees not in his protected class. In other words, there are no facts to support an inference that Stratosphere Quality did or intended to discriminate against Ali.

There is also no evidence that similarly situated employees not in Ali's protected class were treated more favorably than he was. Ali fails in his Charge to identify any similarly situated temporary worker outside of his protected class who was treated better than he was. On Monday, August 12, 2019,

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February 28, 2020  
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Stratosphere Quality allowed one temporary employee, Trina Corbin, to remain and work the day. Ms. Corbin is African American. Stratosphere Quality did not need any temporary workers from the Triad agency after Friday, August 9, 2019. No Triad employees worked at the Honda plant on Tuesday, August 13, 2019.

Ali is unable to state a *prima facie* case. Even if he could generate an inference of race discrimination, which he cannot, Stratosphere Quality had legitimate, non-discriminatory reasons for ending Ali's temporary assignment, and Ali has no evidence of pretext. Ali could attempt to meet his burden on this point by showing that Stratosphere Quality's stated reasons had no basis in fact, did not actually motivate the employment action, or were insufficient to warrant the action. *Muir v. Chrysler LLC*, 563 F. Supp. 2d 783, 794 (N.D. Ohio 2008). This he cannot do. Accordingly, Ali cannot prevail on a race discrimination claim against Stratosphere Quality.

#### **B. No Evidence of Religious Discrimination**

For the same reasons, Ali's claim of discrimination based on his religion must also fail. Ali's claim immediately fails because he cannot satisfy his initial burden of establishing a *prima facie* case of discrimination. Specifically, he was not treated less favorably than any similarly situated employees not in his protected class. In other words, there are no facts to support an inference that Stratosphere Quality did or intended to discriminate against Ali on the basis of his religion.

To begin, Ali does not allege that anyone at Stratosphere Quality was aware of his religion or ever made any comment about his religion. Certainly, Triad does not provide Stratosphere Quality with the religion of the temporary workers it provides.

Second, there is also no evidence that similarly situated employees not in Ali's protected class were treated more favorably than he was. Ali fails in his Charge to identify any similarly situated temporary worker who practices a different religion and was treated better than he was. Ms. Corbin's religion is unknown to Stratosphere Quality.

Ali is unable to state a *prima facie* case. Even if he could generate an inference of discrimination based on his religion, which he cannot, Stratosphere Quality had legitimate, non-discriminatory reasons for ending Ali's temporary assignment, and Ali has no evidence of pretext. Ali could attempt to meet his burden on this point by showing that Stratosphere Quality's stated reasons had no basis in fact, did not actually motivate the employment action, or were insufficient to warrant the action. *Muir v. Chrysler LLC*, 563 F. Supp. 2d 783, 794 (N.D. Ohio 2008). This he cannot do. Accordingly, Ali cannot prevail on a religious discrimination claim against Stratosphere Quality.

#### **IV. Responses to Requests for Information**

The following numbered paragraphs correspond to the requests in the December 13, 2019 Request for Information.

**1. Provide a position statement which thoroughly addresses each allegation in the Charging Party's charge affidavit with supporting documentation and affidavits from the decision maker.**

Please see the remainder of this Position Statement.

**2. State the Respondent's correct legal name.**

Please see above.



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February 28, 2020  
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3. State the name, address, telephone number, and email address of the person designated to represent the Respondent in this matter.

Please see above.

4. Provide a copy of the application for employment currently being used by Respondent.

Stratosphere Quality uses an electronic application for its prospective employees. However, the employment application attached hereto as Exhibit B was the application used to set up the electronic version.

5. Complete the attached OCRC-53 form or provide Respondent's most recent EEO-1 report.

Please see the EEO-1 Report attached hereto as Exhibit C.

6. Provide a written verification of your posting of the state Fair Employment Practices (FEP) notice. If you do not have an FEP poster, please indicate this and we will provide you with one for posting.

All worked at Stratosphere Quality's customer's work site. The customer is Honda. Honda has the state Fair Employment Practices notice posted in various locations throughout the facility.

7. Provide a complete copy of Charging Party's personnel file, including but not limited to: Charging Party's application for employment, all job performance reviews, all disciplinary actions, complaints filed by him and against him along with the results of the internal investigation into those complaints, termination and/or employment separation paperwork, and relevant correspondence.

Stratosphere Quality does not maintain a personnel file for Ali since he was never an employee of Stratosphere Quality and he only provided temporary services on an as-needed basis through temporary agencies. Stratosphere Quality is not aware of any complaints filed by the Charging Party.

8. Provide the termination and/or employment separation paperwork of other temporary Triad employees who were terminated from February 2018 until February 2020. If possible, please indicate the racial verification of the of the terminated employees.

Ali's employment was not terminated. Ali was not an employee of Stratosphere Quality, and his temporary assignment did not end for performance reasons. Rather, Ali's temporary assignment ended due to lack of work.

9. Provide a copy of Respondent's employee rules, regulations, policies, and procedures and any union or labor agreement as it relates to standards of employee conduct, work performance expectations, progressive discipline, and termination of employment.

Please see the relevant policies already provided and attached as Exhibit A.

10. Provide Respondent's appeal or grievance policies and procedures, and provide any records pertaining to any appeal or grievance made by Charging Party in this matter.

Stratosphere Quality is not aware of any grievances filed by the Charging Party.



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February 28, 2020  
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11. Provide the disciplinary paperwork and the termination and/or employment separation paperwork (if applicable) for Team Leader Geraldine (LNU). If possible, please include the racial verification of Geraldine.

There is no documentation responsive to this request. "Geraldine" is presumed to be project supervisor Geraldine Wick. Wick is still employed by Stratosphere Quality.

12. Provide a copy of the job description for the position(s) held by Charging Party and a copy of the table of organization for the facility where the Charging Party worked.

The Charging Party did not have a job description, as he was never a Stratosphere Quality employee. Rather, he worked on a temporary basis as a temporary Quality Inspector. A job description for the Quality Inspector position is attached hereto as Exhibit D. An organizational chart is attached hereto as Exhibit E.

13. Provide signed and notarized affidavits from Regional Human Resources Representative Kevin Ream, Team Leader Geraldine (LNU), and anyone else in management who has firsthand knowledge of Charging Party's allegations, for your position. The affidavits should address Charging Party's allegations and specifically contain, but not be limited to the answers of: (a) through (h).

Please see the statements of Kevin Ream and Geraldine Wick attached hereto as collective Exhibit F.

#### V. Conclusion

For the foregoing reasons, Ali's Charge is wholly without merit and should be dismissed with a finding of no cause.

Very truly yours,

Kimberly J. O'Donnell

Ali: 1

The primary objective of all court proceeding is to determine the truth nothing, but the truth to the best available evidence, testimony witness. Title VII of the Civil Rights Act of 1964 is a federal law that protects employees against discrimination based on race, color, national origin, sex, and religion. Under

**I have been violated my constitutional rights in title VII of the Civil Right Act. The court must accept the allegation is true.**

I have stated in my initial filing complaint on 9/16/2020 that I am black Male, and Muslim faith I am employed by Traid staffing company and was assigned, by stratosphere Quality work at Honda manufacturing I am stating that I have suffered pain, that MS Geraldine caused me.

emotional distress, depression sleepless for long night thinking all the time not coping my daily live, and don't know if I will be the same mohamed ali after they labeled me three different names, and also bad comments that black people are convicted felons and stupid Geraldine commented in public it was the 8/9/2019 I mohamed ali

**Charlette Duane it happens we were standing near work table Geraldine was talking to Charlette Duane this time**

**I mohamed ali and Charlette Duane were working two lines production line one and production line two at same time back and forth I believe Triad temporary workers, did not arrived that day, it was on the 8/9/2019 in another word we were short hand that day.**

**and that was Geraldine's order me and Charlette to work production line one and production line two at same time I Mohamed and Charlette Duane working when we finish, one box from production line one it takes the next box to arrive one hour in that window we have**

to move next production line two to do one Hour time all day back and forth and that is the truth noting but truth so help me God

Geraldine did not want admit she commented, instead she start lying to everybody to her company to MS Corbin to del Crus the Hispanic to her own colleague Jeff to the system in place she lied to title VII .

Geraldine commented in public it was the 8/9/2019 I mohamed ali MS Charlette asked MS Geraldine what Happen to Triad workers today that was 8/9/2019.

she said Triad hire felons, rapist, they cannot obtain driver license and are stupid I believe she was made because she was expecting 20 employee to arrive when none of them arrived perhaps their van broke or something happened to their car pool and she was furious mad and that was how she was commented I believe she frustrated

workers from Triad to arrive the site, but when none of them arrived she get mad and that was one of the reasons why she wanted to get even with me because she was mad, she is looking me as I was one of the people who did not show to work.

therefore, I am seeking compensatory damages of my pain and suffering if possible, jury trail and punitive damage since the intent was to harm me mohamed ali

If MS Geraldine is denying the comments, she made in.

why she lied about my identity, about my transpiration about my arrival time why did she lied about visitor's sticker required all visitors should carry one in their left side chest basically she lied all most everything, and to me she is not responsible person except liar, I believe she has done it before. And get away MS Gerald has to come for word the truth and apologize me as it happened in front of the

court. Otherwise I demand to further investigation of all surveillance inside the building outside the building special one in the guard office south side of the building that is going tell who is lying and who is telling the truth.

Mohamed Ali

This is the original document submitted to Ohio Civil Right Commission  
5/10/20

Shuaib R. Abduraqib  
Civil Right Investigator  
Ohio Civil Right Commission  
Columbus Regional Office  
30 E. Broad Street, 4th Floor  
Columbus Ohio 43215

Re: Mohamed Ali Vs. Stratosphere Quality, LLC  
COL 7 1(47551) 12132019;22A-2020-00802C  
**From stratosphere Quality statement.**

. Ali's Temporary Assignment with Stratosphere Quality

Ali worked with Stratosphere Quality as an employee of Triad on two, separate occasions in 2019. He first worked with Stratosphere Quality from January 2, 2019 through January 11, 2019 for a total of 69.75 hours. Ali later worked for a total of 33.5 hours from Tuesday, August 6, 2019 through Friday, August 9, 2019.

1 Ali also worked for seven hours on a temporary assignment with Stratosphere Quality through the People Ready temporary agency on June 21, 2019.

These statements made by stratosphere Quality is very far from the truth, if you want hear the truth about this matter, this is the truth the first day I file application in Triad office was 8/5/19 then went to work Honda Manufacturing plant next day on 8/6/20 end 8/12/19. I have never worked any other place any other time, or any

1 Ali also worked for seven hours on a temporary assignment with Stratosphere Quality through the People Ready temporary agency on June 21, 2019.

other company including are, people Ready, or stratosphere Quality in Honda manufacturing plant in Myersville other than 8/6/19 to 8/12/19

That is the only time I worked for Honda manufacturing plant the other times they claiming I worked is not true and cover up

Ali rode with his colleague, Myrto Delacruz, and arrived that day after Ms. Corbin. Both Ali and Mr. Delacruz were told there was no work for them,

This statement made by Stratosphere Quality is not the truth, stratosphere Quality is

trying to cover up the sunshine with their palm hands you cannot cover up the truth, that day or any other day I am the first person no one else. I arrive every morning at 5:30 AM I get my visitor's sticker from the security Guard office,

a team leader call jeff arrives around 6:30 then all the temp employees walk from the security Guard office to the Stratosphere Quality office near the breakroom

where we form long line as norm then we wait in the line, then show your visitors sticker from there you get your assignment of the day

As you can see from here, there are no first come first service, base they claim MS corban the African American come before Ali that is completely fabricated lie and it is not the truth, because there is no first come first service.

Ali rode with his colleague, Myrto Delacruz, and arrived that day after Ms. Corbin. Both Ali and Mr. Delacruz were told there was no work for them,



This statement is also fabricated lie and is far beyond the truth as I mentioned from my previous statement, I am the first person who arrive in the security guard office at 5:30 AM with my 2010 Mazda car. I do not share my car with anybody I do not share with anybody's car either I do not know who this individual is Myrto Delacruz .

On Monday, August 12, 2019, Stratosphere Quality did not request any temporary workers from the Triad agency. Despite that fact, Ali and two other Triad employees arrived on Monday seeking work.

Stratosphere Quality ultimately decided to permit Triad employee Trina Corbin to remain on the work site and work for that day because she arrived first. Ms. Corbin is African American.

Ali rode with his colleague, Myrto Delacruz, and arrived that day after Ms. Corbin. Both Ali and Mr. Delacruz were told there was no work for them, and they were allowed to leave the work site. Mr. Delacruz is Hispanic.

No Triad employees worked for Stratosphere Quality at the Honda plant on Tuesday, August 13, 2019 because their services were not needed.

Project Supervisor Geraldine Wick ("Wick") denies that she ever made the comments she is alleged to have made in Ali's Charge. No Triad employees worked for Stratosphere Quality at the Honda plant on Tuesday, August 13, 2019 because their services were not needed.

On this statement you can see Trina corban is Triad employees I did not know that, the day I am talking is August 12 not 13 she remained working 8/12/19. There is also another incident that happen the same day that they did not want to mentioned this temp worker she is **white girl her name is Charlette Douane**

I give this example I have worked with a girl called Charlotte Duane the same day we hired I, and Duane worked together same place same time three days every

example on last day 8/9/2019 after the end of the shift Charlette Duane told me let us go to the office I said for what? she said Geraldine told Ms Duane that she will find out that Geraldine promised MS Duane to put her name in the list of getting permanent security badge, I said Ok. when we arrived in the office there were two adult women on computer one woman heard the door open,

she was facing to the wall because the computer were on long table and turn her neck toward us and said what can I do for you? Charlotte said I want find what Geraldine told me,

before she give an answer to MS Duane she jumped on me and said what is your name perhaps she was more interested my name

and what company I work I said my name is Mohamed Ali  
and I work for Triad, then she said WE DO NOT GIVE  
TRIAD EMPLOYEES SECURITY BADGES

I was quite all the time Charlotte spoke again and she said he has a car,

then she changed here position and said I will let you know by tomorrow and we left the plant,

well Geraldine become aware of me visiting the office,  
and rehearsing all night just to tell me I am not in  
her list, and when tomorrow arrived that was Monday  
8/12/2019

Geraldine who finds my visit to her office was waiting



for me in the morning to surprise me we don't want Triad people in Honda's plant first Jeff collects me in security office that was the 8/12/2019 He repeatedly asking me question that I worked for Honda ,before He said are you sure you never worked for Honda I said never worked, after I come inside the plant as usual I formed this long line I was the only black male in the line when arrived the end of the line in another word When it was my turn I showed my visitor sticker

she pretended that she was looking my name I believe my name was there, she said you are not in my list then she looks in the ceiling for 30 second and told me to step aside I did step aside. when she finished with everybody that time charlotte took the file it was on 8/12/19 she went to work the production assembly line 1 as usual then she told me to go the break room I said OK.

After 20 minutes she sent this short woman and she shouted who is from TRIAD I said me, then the women said they do not want you, I left the site disappointed frustrated and headed home. I realized I am victim of discrimination.

as you can see the two incident are similar MS corban African American remains to work 8/12/19 in favor of team leader or supervisor Geraldine Wick, and again Mrs. Charlette Duane Caucasian very same day 8/12/19 also remains to work that was also her favor person now can you see why I was not remained that day you make the judgement this sounds sex or (gender) discrimination and favoritism on the work place

#### **in conclusion**

Discrimination is dangerous it changes the world from safe to a zone of full of hatred imagine living every day in paranoia everything you do you have observed by someone like Geraldine Wick mocked insulted name calling, like blacks are felons convicted they do not deserve to get security badges, they could not be trusted because they

Triad I file application on 8/5/19 and want to work 8/6/19 because I was not ready the same day I have been told buy steel toe and I spend \$100 dollars shoes that I can only use for five days the day I file my application was my first ever applied temp job for at least for 20 years if you believe I am like you called me stupid , convicted felons I am not when other thing bunch of fabricated lies will not cover up the truth

Mohamed Ali 5/10/20

Position Statement submitted by Stratosphere Quality, VIA Email, and regular US Mail on February 28, 2020 in response to charge filed by me mohamed ali, on, or about December 13, 2019 addressed to Ohio Civil Right Commission columbous regional office 30 E Broad Street 43215.

On these seven pages documents are full of fabricated lies in order to deceive the commission intentionally.

Judges and juries often base their verdict, or other important decisions on sworn testimony, and signed documents, statement given under oath.

Certain legal documents to be truthful, or at least made in good faith those knowingly misleading the court, face serious criminal charges of perjury. to perjure, yourself is knowingly made misleading, or false statement under oath, or to sign legal document you know to be false this crime is taken very seriously, because our legal system depends on trust and credibility.

On this document sworn and signed by the respondent Stratosphere Quality has been mentioned my name in bold that I mohamed ali worked in stratosphere quality in Honda manufacturing of America known HAM for **three separates occasions.**

- A. Worked in Honda plant on January 2, 2019 through January 11, 2019 total of 69.75 hours
- B. Ali also worked for another company **called people ready on June 21, 2019 total of 7 hours.**
- C. Ali later worked for total of 33.5 hours from Tuesday, August 6, 2019 through Friday August 9, 2019 Ali later worked 33.5 hour the underlined name is my name other mohamed ali does not represent me and it is fabricated lies
- D. if the defendant insists all of these mohamed ali s are same.
- E. I need proof, or the pardon is on Stratosphere Quality to proof to court my social security my address my first, middle last name and driver license match all three mohamed ali

If they cannot proof it that these mohamed ali [s] are the same person then all their, documents are lie and none of it is true because I believe the names they

mentioned on their sworn and signed documents are names that does not represent my name.

only one name belongs to me. It is also, it worth's to mention that the documents submitted by the defendant on 10/23/20 to franklin court has been removed two of names out of the original document submitted to Ohio Civil Right Commission in order to lie and confuse the court again, they also mentioned that day MS Trina Corbin was moved to different site it seems to me the defendant is keep changing their story again and again it worth's to mention to court anther fabricated lies.

That is one big fabricated lie that stratosphere Quality submitted to the commission. This is another fabricated sworn and signed by stratosphere Quality

On Monday, August 12, 2019, Stratosphere Quality did not request any temporary workers from the Triad agency. Despite that fact, Ali and two other Triad employees arrived on Monday seeking work. Stratosphere Quality ultimately decided to permit Triad employee Trina Corbin to remain on the work site and work for that day because she arrived first. Ms. Corbin is African American.

Ali rode with his colleague, Myrto Delacruz, and arrived that day after Ms. Corbin. Both Ali and Mr. Delacruz were told there was no work for them, and they were allowed to leave the work site. Mr. Delacruz is Hispanic.

On this statement I am going to make two separate issue time and transportation first and for most temporary workers are required to be on work site no matter how you get it there, one thing that is true is nothing, but the true so help me God is the Honda has system in place the system is,

to gain access inside the building you have to have visitor's sticker, or permanent badges to gain inside the building that is the only way you can get access inside the building there is no other way unless you

have to be one of the managers who can give pass code to Trina so she can get inside the building without any badge at all. That is what MS Geraldine is applying MS Corbin Has the Magic key access to the building without visitor's sticker or permanent badge how that is possible will give to MS Geraldine to answer to court.

Ms Geraldine points out MS Corbin who is African American arrived the site before me.

Upon arrival in the security guard office the temporary employees' approach to security guard desk, the temporary employee will show their identification card, or driver license to the security guard.

The security guard will issue temporary visitor's sticker generated by computer that has first, last and the date issued for example 08/06/2019 to the temporary employee.

In this process I am the first person who arrives the security guard office with my Mazda3 2010 around 5:30 AM.

On or around 6:30 Am a Stratosphere Quality team leader comes, his name is Jeff left-handed and tall he calls everybody by their first and last name, after he calls everybody, he escorts all the temporary employee at same time walks to down stairs we walk to stratosphere Quality office down stairs where Geraldine is waiting,

we form a long line in order to get the assignment from Geraldine

on August 12,2019 when it was my turn Geraldine said you are not in my list, I did not move Geraldine said step aside because there were people behind me so I don't jam the line, after she finished with every body she told me to go to the breakroom.

I said ok and want to break room

after approximately 20 to 30 minutes she send short Caucasian woman she shouted who is from Triad I said I am she said they don't need you I Was so frustrated and drive back home 40 miles. The decision Geraldine made that

morning was not straight shot rather were Zigzag first she said you are not in my list, then look the ceiling about thirty second, then she said step aside so workers behind I don't jam the line then go to the break room, then after thirty minutes did not come toward me instead she sent short Caucasian woman when she arrived in the break room she shouted who is from Triad company I said me then she said the don't want you when I was leaving the site she was standing on the corner of her office I asked what is her name she said Geraldine her version of the story is completely lie and fabricated.

**The security badge story.** First, I have never requested any security badges on the 9 of August 9, 2019 this twisted and turned lie.

I give this example I have worked with a girl called Charlotte Duane the same day we hired I, and Duane worked together same place same time three days every assignment we work together every assignment box we finish I and Duane put our initials CD, and MA. the the fifth day she remains to work I have been sent home for no reason if you don't believe that is discrimination I will give another example on last day 8/9/2019 after the end of the shift Ms Duane told me let us go to the office I said for what?.

she said Geraldine told Ms Duane that she will find out that Geraldine promised MS Duane to put her name in the list of getting permanent security badge,

I said Ok. when we arrived in the office there were two adult women on computer one woman heard the door open she was facing to the wall because the computer were on long table and turn her neck toward us

and said what can I do for you? Charlotte said I want find what Geraldine told me,

before she give an answer to MS Duane she jumped on me and said what is your name perhaps she was more interested my name and what company you work



I said my name is Mohamed Ali and I work for Triad, then she said WE DO NOT GIVE TRIAD EMPLOYEES SECURITY BADGES

I was quite all the time Charlotte spoke again and she said he has a car, then she changed here position and said I will let you know by tomorrow and we left the plant, .

well Geraldine become aware of me visiting her office, and rehearsing all night just to tell me I am not in her list, and when tomorrow arrived that was Monday 8/12/2019 Geraldine who finds my visit to her office was waiting for me in the morning to surprise me we don't want Triad people in Honda's plant

first Jeff collects me in security office that was the 8/12/2019 He repeatedly asking me question that I worked for Honda, before He said are you sure you never worked for Honda I said never worked, after I come inside the plant as usual, I formed this long line I was.

From day one 8/6/2019 Geraldine was looking person before me that his name was mohamed ali the word spread quickly then start everybody who I was and my name which I later learn the sworn documents submitted to Ohio Civil Right Commission has three different mohamed ali[s].

that was also mentioned their sworn document three different mohamed ali Jeff asked me several times if I worked Honda before.

the two girls in the office also want to know my name James, and Geraldine were looking also mohamed ali I don't know if they retaliating the mohamed ali before me but retaliated wrong mohamed ali, for something, before me.

Because I realized after I discovered three different mohamed ali maybe he has done bad thing somehow the intent was to harm me the intent was to lie about the charge against stratosphere Quality the intent was to retaliate the wrong mohamed ali I am requesting the court in very kindly way to punish the defendant for the pain and suffering they caused me.

mohamed ali